



General Assembly

January Session, 2001

Amendment

LCO No. 8197

Offered by:

SEN. LEBEAU, 3rd Dist.

SEN. JEPSEN, 27th Dist.

SEN. DELUCA, 32nd Dist.

SEN. SOMMA, 16th Dist.

REP. SAMOWITZ, 129th Dist.

REP. GOOGINS, 31st Dist.

REP. WARD, 86th Dist.

To: Subst. Senate Bill No. 823

File No. 526

Cal. No. 363

***"AN ACT CONCERNING THE ELIGIBILITY OF MANUFACTURING
FACILITIES FOR ENTERPRISE ZONE BENEFITS."***

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (a) For the purpose of assisting (1) any
4 information technology project, as defined in subsection (ee) of section
5 32-23d of the general statutes, which is located in an eligible
6 municipality, as defined in subdivision (12) of subsection (a) of section
7 32-9t of the general statutes, or (2) any eligible industrial site
8 investment project, as defined in subdivision (2) of subsection (a) of
9 section 32-9t of the general statutes, the Connecticut Development
10 Authority may, upon a resolution of the legislative body of a
11 municipality, issue and administer bonds which are payable solely or
12 in part from and secured by: (A) A pledge of and lien upon any and all
13 of the income, proceeds, revenues and property of such a project,

14 including the proceeds of grants, loans, advances or contributions from
15 the federal government, the state or any other source, including
16 financial assistance furnished by the municipality or any other public
17 body, (B) taxes or payments or grants in lieu of taxes allocated to and
18 payable into a special fund of the Connecticut Development Authority
19 pursuant to the provisions of subsection (b) of this section, or (C) any
20 combination of the foregoing. Any such bonds of the Connecticut
21 Development Authority shall mature at such time or times not
22 exceeding thirty years from their date of issuance and shall be subject
23 to the general terms and provisions of law applicable to the issuance of
24 bonds by the Connecticut Development Authority, except that such
25 bonds shall be issued without a special capital reserve fund as
26 provided in subsection (b) of section 32-23j of the general statutes and,
27 for purposes of section 32-23f of the general statutes, only the approval
28 of the board of directors of the authority shall be required for the
29 issuance and sale of such bonds. Any pledge made by the municipality
30 or the Connecticut Development Authority for bonds issued as
31 provided in this section shall be valid and binding from the time when
32 the pledge is made, and revenues and other receipts, funds or moneys
33 so pledged and thereafter received by the municipality or the
34 Connecticut Development Authority shall be subject to the lien of such
35 pledge without any physical delivery thereof or further act. The lien of
36 such pledge shall be valid and binding against all parties having
37 claims of any kind in tort, contract or otherwise against the
38 municipality or the Connecticut Development Authority, even if the
39 parties have no notice of such lien. Recording of the resolution or any
40 other instrument by which such a pledge is created shall not be
41 required. In connection with any such assignment of taxes or payments
42 in lieu of taxes, the Connecticut Development Authority may, if the
43 resolution so provides, exercise the rights provided for in section 12-
44 195h of the general statutes of an assignee for consideration of any lien
45 filed to secure the payment of such taxes or payments in lieu of taxes.
46 All expenses incurred in providing such assistance may be treated as
47 project costs.

48 (b) Any proceedings authorizing the issuance of bonds under this
49 section may contain a provision that taxes or a specified portion
50 thereof, if any, identified in such authorizing proceedings and levied
51 upon taxable real or personal property, or both, in a project each year,
52 or payments or grants in lieu of such taxes or a specified portion
53 thereof, by or for the benefit of any one or more municipalities,
54 districts or other public taxing agencies, as the case may be, shall be
55 divided as follows: (1) In each fiscal year that portion of the taxes or
56 payments or grants in lieu of taxes which would be produced by
57 applying the then current tax rate of each of the taxing agencies to the
58 total sum of the assessed value of the taxable property in the project on
59 the date of such authorizing proceedings, adjusted in the case of grants
60 in lieu of taxes to reflect the applicable statutory rate of
61 reimbursement, shall be allocated to and when collected shall be paid
62 into the funds of the respective taxing agencies in the same manner as
63 taxes by or for said taxing agencies on all other property are paid; and
64 (2) that portion of the assessed taxes or the payments or grants in lieu
65 of taxes, or both, each fiscal year in excess of the amount referred to in
66 subdivision (1) of this subsection shall be allocated to and when
67 collected shall be paid into a special fund of the Connecticut
68 Development Authority to be used in each fiscal year, in the discretion
69 of the Connecticut Development Authority, to pay the principal of and
70 interest due in such fiscal year on bonds issued by the Connecticut
71 Development Authority to finance, refinance or otherwise assist such
72 project, to purchase bonds issued for such project, or to reimburse the
73 provider of or reimbursement party with respect to any guarantee,
74 letter of credit, policy of bond insurance, funds deposited in a debt
75 service reserve fund, funds deposited as capitalized interest or other
76 credit enhancement device used to secure payment of debt service on
77 any bonds issued by the Connecticut Development Authority to
78 finance, refinance or otherwise assist such project, to the extent of any
79 payments of debt service made therefrom. Unless and until the total
80 assessed valuation of the taxable property in a project exceeds the total
81 assessed value of the taxable property in such project as shown by the
82 last assessment list referred to in subdivision (1) of this subsection, all

83 of the taxes levied and collected and all of the payments or grants in
84 lieu of taxes due and collected upon the taxable property in such
85 project shall be paid into the funds of the respective taxing agencies.
86 When such bonds and interest thereof, and such debt service
87 reimbursement to the provider of or reimbursement party with respect
88 to such credit enhancement, have been paid in full, all moneys
89 thereafter received from taxes or payments or grants in lieu of taxes
90 upon the taxable property in such development project shall be paid
91 into the funds of the respective taxing agencies in the same manner as
92 taxes on all other property are paid. The total amount of payments in
93 lieu of taxes used to back bonds that are issued under this subsection
94 in any state fiscal year shall be not more than one million dollars.

95 (c) The authority may make grants or provide loans or other forms
96 of financial assistance from the proceeds of special or general
97 obligation notes or bonds of the authority issued without the security
98 of a special capital reserve fund within the meaning of subsection (b)
99 of section 32-23j of the general statutes, which bonds are payable from
100 and secured by, in whole or in part, the pledge and security provided
101 for in section 8-134, as amended by this act, 8-192, as amended by this
102 act, 32-227 of the general statutes, or section 1 of this act, all on such
103 terms and conditions, including such agreements with the
104 municipality and the developer of the project, as the authority
105 determines to be appropriate in the circumstances, provided any such
106 project in an area designated as an enterprise zone pursuant to section
107 32-70 of the general statutes receiving such financial assistance shall be
108 ineligible for any fixed assessment pursuant to section 32-71 of the
109 general statutes, and the authority, as a condition of such grant, loan or
110 other financial assistance, may require the waiver, in whole or in part,
111 of any property tax exemption with respect to such project otherwise
112 available under subsection (59) or (60) of section 12-81 of the general
113 statutes.

114 (d) As used in this section, "bonds" means any bonds, including
115 refunding bonds, notes, temporary notes, interim certificates,
116 debentures or other obligations; "legislative body" has the meaning

117 provided in subsection (y) of section 32-222 of the general statutes; and
118 "municipality" means a town, city, consolidated town or city or
119 consolidated town and borough.

120 (e) For purposes of this section, references to the Connecticut
121 Development Authority shall include any subsidiary of the
122 Connecticut Development Authority established pursuant to
123 subsection (l) of section 32-11a of the general statutes, as amended by
124 this act, and a municipality may act by and through its implementing
125 agency, as defined in subsection (k) of section 32-222 of the general
126 statutes.

127 (f) No commitments for new projects shall be approved by the
128 authority under this section on or after July 1, 2005.

129 Sec. 2. Section 8-134 of the general statutes is repealed and the
130 following is substituted in lieu thereof:

131 For the purpose of carrying out or administering a redevelopment
132 plan or other functions authorized under this chapter, a municipality,
133 acting by and through its redevelopment agency, is hereby authorized,
134 subject only to the limitations and procedures set forth in this section,
135 to issue from time to time bonds of the municipality which are payable
136 solely from and secured by: (a) A pledge of and lien upon any or all of
137 the income, proceeds, revenues and property of redevelopment
138 projects, including the proceeds of grants, loans, advances or
139 contributions from the federal government, the state or other source,
140 including financial assistance furnished by the municipality or any
141 other public body pursuant to section 8-135; (b) taxes or payments in
142 lieu of taxes, or both, in whole or in part, allocated to and paid into a
143 special fund of the municipality pursuant to the provisions of section
144 8-134a; or (c) any combination of the methods in subsections (a) and (b)
145 of this section. For the purposes of a specified project only, the
146 Connecticut Development Authority may, upon a resolution with
147 respect to such project adopted by the legislative body of the
148 municipality, issue and administer bonds which are payable solely or

149 in part from and secured by the pledge and security provided for in
150 this section subject to the general terms and provisions of law
151 applicable to the issuance of bonds by the Connecticut Development
152 Authority, except that the provisions of subsection (b) of section 32-23j
153 shall not apply. Any bonds payable and secured as provided in this
154 section shall be authorized by a resolution adopted by the legislative
155 body of the municipality, notwithstanding the provisions of any other
156 statute, local law or charter governing the authorization and issuance
157 of bonds generally by the municipality. No such resolution shall be
158 adopted until after a public hearing has been held upon such
159 authorization. Notice of such hearing shall be published not less than
160 five days prior to such hearing in a newspaper having a general
161 circulation in the municipality. Such bonds shall be issued and sold in
162 such manner; bear interest at such rate or rates, including variable
163 rates to be determined in such manner as set forth in the proceedings
164 authorizing the issuance of the bonds; provide for the payment of
165 interest on such dates, whether before or at maturity; be issued at,
166 above or below par; mature at such time or times not exceeding forty
167 years from their date in the case of bonds issued to finance housing
168 and facilities related thereto or thirty years from their date in all other
169 cases; have such rank or priority; be payable in such medium of
170 payment; be issued in such form, including, without limitation,
171 registered or book-entry form, carry such registration and transfer
172 privileges and be made subject to purchase or redemption before
173 maturity at such price or prices and under such terms and conditions,
174 including the condition that such bonds be subject to purchase or
175 redemption on the demand of the owner thereof; and contain such
176 other terms and particulars as the legislative body of the municipality
177 or the officers delegated such authority by the legislative body of the
178 municipality body shall determine. The proceedings under which
179 bonds are authorized to be issued may, subject to the provisions of the
180 general statutes, contain any or all of the following: (1) Provisions
181 respecting custody of the proceeds from the sale of the bonds and any
182 bond anticipation notes, including any requirements that such
183 proceeds be held separate from or not be commingled with other funds

184 of the municipality; (2) provisions for the investment and reinvestment
185 of bond proceeds until such proceeds are used to pay project costs and
186 for the disposition of any excess bond proceeds or investment earnings
187 thereon; (3) provisions for the execution of reimbursement agreements,
188 or similar agreements, in connection with credit facilities, including,
189 but not limited to, letters of credit or policies of bond insurance,
190 remarketing agreements and agreements for the purpose of
191 moderating interest rate fluctuations; (4) provisions for the collection,
192 custody, investment, reinvestment and use of the pledged revenues or
193 other receipts, funds or moneys pledged for payment of bonds as
194 provided in this section; (5) provisions regarding the establishment
195 and maintenance of reserves, sinking funds and any other funds and
196 accounts as shall be approved by the legislative body of the
197 municipality in such amounts as may be established by the legislative
198 body of the municipality and the regulation and disposition thereof,
199 including requirements that any such funds and accounts be held
200 separate from or not be commingled with other funds of the
201 municipality; (6) covenants for the establishment of maintenance
202 requirements with respect to facilities and properties; (7) provisions for
203 the issuance of additional bonds on a parity with bonds issued prior to
204 the issuance of such additional bonds, including establishment of
205 coverage requirements with respect to such bonds as herein provided;
206 (8) provisions regarding the rights and remedies available to the bond
207 owners, note owners or any trustee under any contract, loan
208 agreement, document, instrument or trust indenture in case of a
209 default, including the right to appoint a trustee to represent their
210 interests upon occurrence of any event of default, as defined in any
211 such default proceedings, provided that if any bonds or bond
212 anticipation notes are secured by a trust indenture, the respective
213 owners of such bonds or notes shall have no authority except as set
214 forth in such trust indenture to appoint a separate trustee to represent
215 them; and (9) other provisions or covenants of like or different
216 character from the foregoing which are consistent with this section and
217 which the legislative body of the municipality determines in such
218 proceedings are necessary, convenient or desirable in order to better

219 secure the bonds or bond anticipation notes, or will tend to make the
220 bonds or bond anticipation notes more marketable, and which are in
221 the best interests of the municipality. Any provisions which may be
222 included in proceedings authorizing the issuance of bonds under this
223 section may be included in an indenture of trust duly approved in
224 accordance with this section which secures the bonds and any notes
225 issued in anticipation thereof, and in such case the provisions of such
226 indenture shall be deemed to be a part of such proceedings as though
227 they were expressly included therein. Any pledge made by the
228 municipality shall be valid and binding from the time when the pledge
229 is made, and any revenues or other receipts, funds or moneys so
230 pledged and thereafter received by the municipality shall be subject
231 immediately to the lien of such pledge without any physical delivery
232 thereof or further act. The lien of any such pledge shall be valid and
233 binding as against all parties having claims of any kind in tort, contract
234 or otherwise against the municipality, irrespective of whether such
235 parties have notice of such lien. Neither the resolution nor any other
236 instrument by which a pledge is created need be recorded. The
237 legislative body of the municipality may enter into a trust indenture by
238 and between the municipality and a corporate trustee, which may be
239 any trust company or bank having the powers of a trust company
240 within or without the municipality. Such trust indenture may contain
241 such provisions for protecting and enforcing the rights and remedies
242 of the bond owners and note owners as may be reasonable and proper
243 and not in violation of law, including covenants setting forth the duties
244 of the municipality in relation to the exercise of its powers pursuant to
245 this section and the custody, safeguarding and application of all
246 moneys. The municipality may provide by such trust indenture for the
247 payment of the pledged revenues or other receipts, funds or moneys to
248 the trustee under such trust indenture or to any other depository, and
249 for the method of disbursement thereof, with such safeguards and
250 restrictions as it may determine. All expenses incurred in carrying out
251 such trust indenture may be treated as project costs. Such bonds shall
252 not be included in computing the aggregate indebtedness of the
253 municipality, provided, if such bonds are made payable, in whole or in

254 part, from funds contracted to be advanced by the municipality, the
255 aggregate amount of such funds not yet appropriated to such purpose
256 shall be included in computing the aggregate indebtedness of the
257 municipality. As used in this section, "bonds" means any bonds,
258 including refunding bonds, notes, interim certificates, debentures or
259 other obligations. For purposes of this section and section 8-134a,
260 references to the Connecticut Development Authority shall include
261 any subsidiary of the Connecticut Development Authority established
262 pursuant to subsection (l) of section 32-11a, as amended by this act.

263 Sec. 3. Subsection (d) of section 8-192 of the general statutes is
264 repealed and the following is substituted in lieu thereof:

265 (d) For the purposes of carrying out or administering a specified
266 development plan authorized under this chapter, the Connecticut
267 Development Authority may, upon a resolution with respect to such
268 project adopted by the legislative body of the municipality, issue and
269 administer bonds which are payable solely or in part from and secured
270 by the pledge and security provided for in subsection (a) of this section
271 subject to the general terms and provisions of law applicable to the
272 issuance of bonds by the Connecticut Development Authority, except
273 that the provisions of subsection (b) of section 32-23j shall not apply.
274 For purposes of this section and section 8-192a, references to the
275 Connecticut Development Authority shall include any subsidiary of
276 the Connecticut Development Authority established pursuant to
277 subsection (l) of section 32-11a, as amended by this act.

278 Sec. 4. Subsection (a) of section 32-11a of the general statutes is
279 repealed and the following is substituted in lieu thereof:

280 (a) There is hereby created as a body politic and corporate,
281 constituting a public instrumentality and political subdivision of the
282 state created for the performance of an essential public and
283 governmental function, the Connecticut Development Authority
284 which is empowered to carry out the purposes of the authority, as
285 defined in [this chapter, chapter 578, subsection (a) of section 10-320b

286 and sections 25-33a and 32-68a] subsection (t) of section 32-23d, as
287 amended by this act, which are hereby determined to be public
288 purposes for which public funds may be expended. The Connecticut
289 Development Authority shall not be construed to be a department,
290 institution or agency of the state.

291 Sec. 5. Subsection (c) of section 32-11a of the general statutes is
292 repealed and the following is substituted in lieu thereof:

293 (c) The board of directors of the authority shall consist of the
294 Commissioner of Economic and Community Development, the
295 Treasurer of the state and the Secretary of the Office of Policy and
296 Management, each serving ex officio, four members appointed by the
297 Governor who shall be experienced in the field of financial lending or
298 the development of commerce, trade and business and four members
299 appointed as follows: One by the president pro tempore of the Senate,
300 one by the minority leader of the Senate, one by the speaker of the
301 House of Representatives and one by the minority leader of the House
302 of Representatives. Each ex-officio member may designate [his] a
303 deputy or any member of [his] the agency staff to represent [him] the
304 member at meetings of the authority with full powers to act and vote
305 [in his] on the member's behalf. The chairperson of the board shall be
306 appointed by the Governor, with the advice and consent of both
307 houses of the General Assembly. The board shall annually elect one of
308 its members as vice chairman. Each member appointed by the
309 Governor shall serve at the pleasure of the Governor but no longer
310 than the term of office of the Governor or until the member's successor
311 is appointed and qualified, whichever is longer. Each member
312 appointed by a member of the General Assembly shall serve in
313 accordance with the provisions of section 4-1a. Members shall receive
314 no compensation but shall be reimbursed for necessary expenses
315 incurred in the performance of their duties under [this chapter, chapter
316 578, subsection (a) of section 10-320b, and sections 25-33a and 32-68a]
317 the authority legislation, as defined in subsection (hh) of section 32-
318 23d, as amended by this act. The Governor shall fill any vacancy for
319 the unexpired term of a member appointed by the Governor. The

320 appropriate legislative appointing authority shall fill any vacancy for
321 the unexpired term of a member appointed by such authority. A
322 member of the board shall be eligible for reappointment. Any member
323 of the board may be removed by the Governor for misfeasance,
324 malfeasance or wilful neglect of duty. Each member of the authority
325 before entering upon his or her duties shall take and subscribe the oath
326 or affirmation required by article XI, section 1, of the State
327 Constitution. A record of each such oath shall be filed in the office of
328 the Secretary of the State. Meetings of the board shall be held at such
329 times as shall be specified in the bylaws adopted by the board and at
330 such other time or times as the chairman deems necessary. The board
331 is empowered to adopt bylaws and regulations for putting into effect
332 the provisions of said chapters and sections. Not later than November
333 first, annually, the authority shall submit a report to the Commissioner
334 of Economic and Community Development, the Auditors of Public
335 Accounts and the joint standing committees of the General Assembly
336 having cognizance of matters relating to the Department of Economic
337 and Community Development, appropriations and capital bonding,
338 which shall include the following information with respect to new and
339 outstanding financial assistance provided by the authority during the
340 twelve-month period ending on June thirtieth next preceding the date
341 of the report for each financial assistance program administered by the
342 authority: (1) A list of the names, addresses and locations of all
343 recipients of such assistance, (2) for each recipient: (A) The business
344 activities, (B) the Standard Industrial Classification Manual codes, (C)
345 the gross revenues during the recipient's most recent fiscal year, (D)
346 the number of employees at the time of application, (E) whether the
347 recipient is a minority or women-owned business, (F) a summary of
348 the terms and conditions for the assistance, including the type and
349 amount of state financial assistance, job creation or retention
350 requirements, and anticipated wage rates, and (G) the amount of
351 investments from private and other nonstate sources that have been
352 leveraged by the assistance, (3) the economic benefit criteria used in
353 determining which applications have been approved or disapproved,
354 and (4) for each recipient of assistance on or after July 1, 1991, a

comparison between the number of jobs to be created, the number of jobs to be retained and the average wage rates for each such category of jobs, as projected in the recipient's application, versus the actual number of jobs created, the actual number of jobs retained and the average wage rates for each such category. The report shall also indicate the actual number of full-time jobs and the actual number of part-time jobs in each such category and the benefit levels for each such subcategory. In addition, the report shall state (A) for each final application approved during the twelve-month period covered by the report, (i) the date that the final application was received by the authority and (ii) the date of such approval; (B) for each final application withdrawn during the twelve-month period covered by the report, (i) the municipality in which the applicant is located, (ii) the Standard Industrial Classification Manual code for the applicant, (iii) the date that the final application was received by the authority, and (iv) the date of such withdrawal; (C) for each final application disapproved during the twelve-month period covered by the report, (i) the municipality in which the applicant is located, (ii) the Standard Industrial Classification Manual code for the applicant, (iii) the date that the final application was received by the authority, and (iv) the date of such disapproval; and (D) for each final application on which no action has been taken by the applicant or the agency in the twelve-month period covered by the report and for which no report has been submitted under this subsection, (i) the municipality in which the applicant is located, (ii) the Standard Industrial Classification Manual code for the applicant, and (iii) the date that the final application was received by the authority. The November first report shall include a summary of the activities of the authority, including all activities to assist small businesses and minority business enterprises, as defined in section 4a-60g, a complete operating and financial statement and recommendations for legislation to promote the purposes of the authority. The authority shall furnish such additional reports upon the written request of any such committee at such times and containing such information as the committee may request. The accounts of the authority shall be subject to annual audit by the state Auditors of

390 Public Accounts. The authority may cause an audit of its books and
391 accounts to be made at least once each fiscal year by certified public
392 accountants. The powers of the authority shall be vested in and
393 exercised by not less than six of the members of the board of directors
394 then in office. Such number of members shall constitute a quorum and
395 the affirmative vote of a majority of the members present at a meeting
396 of the board shall be necessary for any action taken by the authority.
397 No vacancy in the membership of the board shall impair the right to
398 exercise all the rights and perform all the duties of the authority. Any
399 action taken by the board under the provisions of said chapters and
400 sections may be authorized by resolution at any regular or special
401 meeting, and each such resolution shall take effect immediately and
402 need not be published or posted. The authority shall be exempt from
403 the provisions of section 4-9a.

404 Sec. 6. Subdivision (6) of subsection (l) of section 32-11a of the
405 general statutes is repealed and the following is substituted in lieu
406 thereof:

407 (6) The authority may make loans or grants to, and may guarantee
408 specified obligations of, any each such subsidiary, following standard
409 authority procedures, from the authority's assets and the proceeds of
410 its bonds, notes, and other obligations, provided however, that the
411 source and security, if any, for the repayment of any such loans or
412 guarantees is derived from the assets, revenues and resources of such
413 subsidiary.

414 Sec. 7. Subsection (d) of section 32-23d of the general statutes is
415 repealed and the following is substituted in lieu thereof:

416 (d) "Project" means any facility, plant, works, system, building,
417 structure, utility, fixture or other real property improvement located in
418 the state, any machinery, equipment, furniture, fixture or other
419 personal property to be located in the state and the land on which it is
420 located or which is reasonably necessary in connection therewith,
421 which is of a nature or which is to be used or occupied by any person

422 for purposes which would constitute it as an economic development
423 project, information technology project, public service project, urban
424 project, recreation project, commercial fishing project, health care
425 project, the convention center project, as defined in subdivision (3) of
426 section 32-600, [or] nonprofit project or eligible industrial site
427 investment project, as defined in subdivision (2) of subsection (a) of
428 section 32-9t, and any real property improvement reasonably related
429 thereto. A project may be acquired (1) directly, or (2) indirectly
430 through the purchase of all or substantially all of the stock of a
431 corporation. A project shall not include new materials, work in
432 process, stock in trade or stock of a corporation.

433 Sec. 8. Subsection (t) of section 32-23d of the general statutes is
434 repealed and the following is substituted in lieu thereof:

435 (t) "Purposes of [this chapter, chapter 578, subsection (a) of section
436 10-320b and sections 25-33a and 32-68a] the authority", means the
437 purposes of the authority expressed in and pursuant to the authority
438 legislation, including with respect to the promotion, planning and
439 designing, developing, encouraging, assisting, acquiring, constructing,
440 reconstructing, improving, maintaining and equipping and furnishing
441 of a project and assisting directly or indirectly in the financing of the
442 cost thereof.

443 Sec. 9. Section 32-23d of the general statutes is amended by adding
444 subsection (hh) as follows:

445 (NEW) (hh) "Authority legislation" means this chapter, chapters 578,
446 584, 588l, 588n, 588r and 588u, sections 8-134, as amended by this act,
447 8-134a, 8-192, as amended by this act, 8-192a, 25-33a, and 32-68a,
448 section 1 of this act, and any other provisions of the general statutes or
449 any public or special act setting forth or governing the powers and
450 duties of the authority.

451 Sec. 10. Section 32-23e of the general statutes is repealed and the
452 following is substituted in lieu thereof:

453 To accomplish the purposes of [this chapter, chapter 578 and
454 subsection (a) of section 10-320b] the authority, as defined in
455 subsection (t) of section 32-23d, as amended by this act, which are
456 hereby determined to be public purposes for which public funds may
457 be expended, and in addition to any other powers provided by law,
458 the authority shall have power to: (1) Determine the location and
459 character of any project to be financed under the provisions of said
460 chapters and sections, provided any financial assistance shall be
461 approved in accordance with written procedures prepared pursuant to
462 subdivision (14) of this section; (2) purchase, receive, by gift or
463 otherwise, lease, exchange, or otherwise acquire, and construct,
464 reconstruct, improve, maintain, equip and furnish one or more
465 projects, including all real and personal property which the authority
466 may deem necessary in connection therewith, and to enter into a
467 contract with a person therefor upon such terms and conditions as the
468 authority shall determine to be reasonable, including but not limited to
469 reimbursement for the planning, designing, financing, construction,
470 reconstruction, improvement, equipping, furnishing, operation and
471 maintenance of the project and any claims arising therefrom and
472 establishment and maintenance of reserve and insurance funds with
473 respect to the financing of the project; (3) insure any or all payments to
474 be made by the borrower under the terms of any agreement for the
475 extension of credit or making of a loan by the authority in connection
476 with any economic development project to be financed, wholly or in
477 part, through the issuance of bonds or mortgage payments of any
478 mortgage which is given by a mortgagor to the mortgagee who has
479 provided the mortgage for an economic development project upon
480 such terms and conditions as the authority may prescribe and as
481 provided herein, and the faith and credit of the state are pledged
482 thereto; (4) in connection with the insuring of payments of any
483 mortgage, request for its guidance a finding of the municipal planning
484 commission, or, if there is no planning commission, a finding of the
485 municipal officers, of the municipality in which the economic
486 development project is proposed to be located, or of the regional
487 planning agency of which such municipality is a member, as to the

488 expediency and advisability of the economic development project; (5)
489 sell or lease to any person, all or any portion of a project, purchase
490 from eligible financial institutions mortgages with respect to economic
491 development projects, purchase or repurchase its own bonds, and sell,
492 pledge or assign to any person any such [mortgage] bonds, mortgages,
493 or other loans, notes, revenues or assets of the authority, or any
494 interest therein, for such consideration and upon such terms as the
495 authority may determine to be reasonable; (6) mortgage or otherwise
496 encumber all or any portion of a project whenever it shall find such
497 action to be in furtherance of the purposes of said chapters and
498 sections; (7) enter into agreements with any person, including
499 prospective mortgagees and mortgagors, for the purpose of planning,
500 designing, constructing, acquiring, altering and financing projects,
501 providing liquidity or a secondary market for mortgages or other
502 financial obligations incurred with respect to facilities which would
503 qualify as a project under this chapter, purchasing loans made by
504 regional corporations under section 32-276, or for any other purpose in
505 furtherance of any other power of the authority; (8) grant options to
506 purchase or renew a lease for any of its projects on such terms as the
507 authority may determine to be reasonable; (9) employ or retain
508 attorneys, accountants and architectural, engineering and financial
509 consultants and such other employees and agents and to fix their
510 compensation and to employ the Connecticut Development Credit
511 Corporation on a cost basis as it shall deem necessary to assist it in
512 carrying out the purposes of said [chapters and sections] authority
513 legislation; (10) borrow money or accept gifts, grants or loans of funds,
514 property or service from any source, public or private, and comply,
515 subject to the provisions of said [chapters and sections] authority
516 legislation, with the terms and conditions thereof; (11) accept from a
517 federal agency loans or grants for use in carrying out its purpose, and
518 enter into agreements with such agency respecting any such loans or
519 grants; (12) provide tenant lease guarantees and performance
520 guarantees and extend credit or make loans to any person for the
521 planning, designing, financing, acquiring, constructing, reconstructing,
522 improving, equipping and furnishing of a project and for the

523 refinancing of existing indebtedness with respect to any facility or part
524 thereof which would qualify as a project in order to facilitate
525 substantial improvements thereto, which guarantees, credits or loans
526 may be secured by loan agreements, lease agreements, installment sale
527 agreements, mortgages, contracts and all other instruments or fees and
528 charges, upon such terms and conditions as the authority shall
529 determine to be reasonable in connection with such loans, including
530 provision for the establishment and maintenance of reserve and
531 insurance funds and in the exercise of powers granted in this section in
532 connection with a project for such person, to require the inclusion in
533 any contract, loan agreement or other instrument, such provisions for
534 the construction, use, operation and maintenance and financing of a
535 project as the authority may deem necessary or desirable; (13) in
536 connection with any application for assistance under said [chapters
537 and section] authority legislation, or commitments therefor, to make
538 and collect such fees and charges as the authority shall determine to be
539 reasonable; (14) adopt procedures, in accordance with the provisions
540 of section 1-121, to carry out the provisions of said [chapters and
541 sections] authority legislation, which may give priority to applications
542 for financial assistance based upon the extent the project will
543 materially contribute to the economic base of the state by creating or
544 retaining jobs, providing increased wages or benefits to employees,
545 promoting the export of products or services beyond the boundaries of
546 the state, encouraging innovation in products or services, encouraging
547 defense-dependent business to diversify to nondefense production,
548 promoting standards of participation adopted by the Connecticut
549 partnership compact pursuant to section 33-374g of the general
550 statutes, revision of 1958, revised to 1991, or will otherwise enhance
551 existing activities that are important to the economic base of the state,
552 provided regulation-making proceedings commenced before January
553 1, 1989, shall be governed by sections 4-166 to 4-174, inclusive; (15)
554 adopt an official seal and alter the same at pleasure; (16) maintain an
555 office at such place or places within the state as it may designate; (17)
556 sue and be sued in its own name and plead and be impleaded, service
557 of process in any action to be made by service upon the executive

558 director of said authority either in hand or by leaving a copy of the
559 process at the office of the authority with some person having charge
560 thereof; (18) employ such assistants, agents and other employees as
561 may be necessary or desirable for its purposes, which employees shall
562 be exempt from the classified service and shall not be employees as
563 defined in subsection (b) of section 5-270; establish all necessary or
564 appropriate personnel practices and policies, including those relating
565 to hiring, promotion, compensation, retirement and collective
566 bargaining, which need not be in accordance with chapter 68 and the
567 authority shall not be an employer as defined in subsection (a) of
568 section 5-270; contract for and engage appraisers of industrial
569 machinery and equipment, consultants and property management
570 services, and utilize the services of other governmental agencies; (19)
571 when it becomes necessary or feasible for the authority to safeguard
572 itself from losses, acquire, purchase, manage and operate, hold and
573 dispose of real and personal property, take assignments of rentals and
574 leases and make and enter into all contracts, leases, agreements and
575 arrangements necessary or incidental to the performance of its duties;
576 (20) in order to further the purposes of said [chapters and sections]
577 authority legislation, or to assure the payment of the principal and
578 interest on bonds or notes of the authority or to safeguard the
579 mortgage insurance fund, purchase, acquire and take assignments of
580 notes, mortgages and other forms of security and evidences of
581 indebtedness, purchase, acquire, attach, seize, accept or take title to
582 any project by conveyance or, by foreclosure, and sell, lease or rent any
583 project for a use specified in said chapters and sections or in said
584 chapter 579; (21) adopt rules for the conduct of its business; (22) invest
585 any funds not needed for immediate use or disbursement, including
586 any funds held in reserve, in obligations issued or guaranteed by the
587 United States of America or the state of Connecticut and in other
588 obligations which are legal investments for savings banks in this state;
589 (23) do, or delegate, any and all things necessary or convenient to carry
590 out the purposes and to exercise the powers given and granted in said
591 [chapters and sections] authority legislation; provided, in all matters
592 concerning the internal administrative functions of the authority which

593 are funded by amounts appropriated by the state to the authority or to
594 the department, the procedures of the state relating to office space,
595 supplies, facilities, materials, equipment and professional services shall
596 be followed, and provided further, that in the acquisition by the
597 authority of real estate involving the use of appropriated funds or
598 bonds supported by the full faith and credit of the state, the authority
599 shall be subject to the provisions of section 4b-23; (24) to accept from
600 the department: (A) Financial assistance, (B) revenues or the right to
601 receive revenues with respect to any program under the supervision of
602 the department, and (C) loan assets or equity interests in connection
603 with any program under the supervision of the department; to make
604 advances to and reimburse the department for any expenses incurred
605 or to be incurred by it in the delivery of such assistance, revenues,
606 rights, assets or amounts; to enter into agreements for the delivery of
607 services by the authority, in consultation with the department, the
608 Connecticut Housing Finance Authority and Connecticut Innovations,
609 Incorporated, to third parties which agreements may include
610 provisions for payment by the department to the authority for the
611 delivery of such services; and to enter into agreements with the
612 department or with the Connecticut Housing Finance Authority or
613 Connecticut Innovations, Incorporated for the sharing of assistants,
614 agents and other consultants, professionals and employees, and
615 facilities and other real and personal property used in the conduct of
616 the authority's affairs; and (25) to transfer to the department: (A)
617 Financial assistance, (B) revenues or the right to receive revenues with
618 respect to any program under the supervision of the authority, and (C)
619 loan assets or equity interests in connection with any program under
620 the supervision of the authority, provided the transfer of such financial
621 assistance, revenues, rights, assets or interests is determined by the
622 authority to be practicable, within the constraints and not inconsistent
623 with the fiduciary obligations of the authority imposed upon or
624 established upon the authority by any provision of the general statutes,
625 the authority's bond resolutions or any other agreement or contract of
626 the authority and to have no adverse effect on the tax-exempt status of
627 any bonds of the authority or the state.

628 Sec. 11. Subsection (a) of section 32-23f of the general statutes is
629 repealed and the following is substituted in lieu thereof:

630 (a) Subject to the approval of the Treasurer of the state or [his] the
631 Treasurer's deputy appointed pursuant to section 3-12, and other
632 applicable limitations of [this chapter, chapter 578 and subsection (a) of
633 section 10-320b] the authority legislation, as defined in subsection (hh)
634 of section 32-23d, as amended by this act, the authority may borrow
635 money and issue its bonds and notes from time to time and use the
636 proceeds thereof for the purposes of the authority, as defined in
637 subsection (t) of section 32-23d, as amended by this act, and in order to
638 carry out its powers under said [chapters and sections] authority
639 legislation and to pay all other expenditures of the authority incident
640 to and necessary in connection with such purposes including
641 providing funds to be paid into any fund or funds to secure such
642 bonds or notes. All such bonds issued by the authority, secured by a
643 special capital reserve fund within the meaning of subsection (b) of
644 section 32-23j, shall be general obligations of the authority payable out
645 of any revenues or other receipts, funds, or moneys of the authority,
646 subject only to any agreements with the holders of particular notes or
647 bonds pledging any particular revenues, receipts, funds or moneys,
648 provided the authority may issue general obligation bonds of the
649 authority without the security of a special capital reserve fund. Any
650 other such bonds or notes not issued in anticipation of the issuance of
651 bonds referred to in the preceding sentence shall be special obligations
652 of the authority payable solely out of any revenues or other receipts,
653 funds or moneys of the authority pledged therefor. All such notes and
654 such bonds may be executed and delivered in such manner and at such
655 times, may be in such form and denominations and of such tenor and
656 maturity or maturities, may be in bearer or registered form, as to
657 principal and interest or as to principal alone, may be payable at such
658 time or times not exceeding forty years from the date thereof, may be
659 payable at such place or places whether within or without the state,
660 may bear interest at such rate or rates payable at such time or times
661 and at such place or places and evidenced in such manner, and may

662 contain such provisions not inconsistent with said chapters and
663 sections, as shall be provided in the resolution of the authority
664 authorizing the issuance of the bonds and notes.

665 Sec. 12. Subsection (h) of section 32-23f of the general statutes is
666 repealed and the following is substituted in lieu thereof:

667 (h) The authority may issue notes and bonds in accordance herewith
668 for one or more projects or to provide funds to be used for the
669 purposes of [this chapter, chapter 578 and subsection (a) of section 10-
670 320b] the authority, as defined in subsection (t) of section 32-23d, as
671 amended by this act, without reference to a particular project or
672 projects.

673 Sec. 13. Subsection (a) of section 32-23g of the general statutes is
674 repealed and the following is substituted in lieu thereof:

675 (a) Except as provided in subsection (b) of this section, all moneys of
676 the authority, from whatever source derived, shall be paid to the
677 Treasurer of the state as agent of the authority, who shall not
678 commingle such moneys with any other moneys. Such moneys shall be
679 deposited in a separate bank account or accounts. The moneys in such
680 accounts shall be paid by checks signed by the Treasurer of the state or
681 [his] the Treasurer's deputy appointed pursuant to section 3-12, on
682 requisition of the commissioner or of such other officer or employee or
683 officers or employees of the authority as the authority shall authorize
684 to make such requisition. Notwithstanding the foregoing, the authority
685 shall have power, subject to the approval of the Treasurer of the state
686 or [his] the Treasurer's deputy appointed pursuant to section 3-12, to
687 contract with the holders of any of its bonds or notes, as to the custody,
688 collection, securing, investment and payment of any moneys of the
689 authority, or of any moneys held in trust or otherwise for the payment
690 of bonds or notes, and to carry out such contracts. All moneys received
691 pursuant to the authority of [this chapter, chapter 578 and subsection
692 (a) of section 10-320b] the authority legislation, as defined in
693 subsection (hh) of section 32-23d, as amended by this act, whether as

694 proceeds from the sale of bonds or as revenues, receipts or income,
695 shall be deemed to be trust funds to be held and applied solely as
696 provided in said [chapters and sections,] authority legislation and in
697 the resolutions authorizing the issuance of the bonds or notes. Any
698 officer with whom, or any bank or trust company with which such
699 moneys shall be deposited as trustee thereof shall hold and apply the
700 same for the purposes thereof, subject to such provisions as said
701 [chapters and sections,] authority legislation and the resolution
702 authorizing the issue of the bonds or notes or the trust agreement
703 securing such bonds or notes may provide.

704 Sec. 14. Section 32-23h of the general statutes is repealed and the
705 following is substituted in lieu thereof:

706 The exercise of the powers granted by [this chapter, chapter 578 and
707 subsection (a) of section 10-320b] the authority legislation, as defined
708 in subsection (hh) of section 32-23d, as amended by this act, shall
709 constitute the performance of an essential governmental function and
710 the authority shall not be required to pay any taxes or assessments
711 upon or in respect of a project, or any property or moneys of the
712 authority, levied by any municipality or political subdivision or special
713 district having taxing powers of the state, nor shall the authority be
714 required to pay state taxes of any kind, and the authority, its projects,
715 property and moneys and any bonds and notes issued under the
716 provisions of said chapters and sections, their transfer and the income
717 therefrom, including any profit made on the sale thereof, shall at all
718 times be free from taxation of every kind by the state except for estate
719 or succession taxes and by the municipalities and all other political
720 subdivisions or special districts having taxing powers of the state;
721 provided any person, leasing a project from the authority shall pay to
722 the municipality or other political subdivision or special district having
723 taxing powers, in which such project is located, a payment in lieu of
724 taxes which shall equal the taxes on real and personal property,
725 including water and sewer assessments, which such lessee would have
726 been required to pay had it been the owner of such property during
727 the period for which such payment is made and neither the authority

728 nor its projects, properties, money or bonds and notes shall be
729 obligated, liable or subject to lien of any kind for the enforcement,
730 collection or payment thereof. The sale of tangible personal property or
731 services by the authority is exempt from the sales tax under chapter
732 219, and the storage, use or other consumption in this state of tangible
733 personal property or services purchased from the authority is exempt
734 from the use tax under chapter 219. If and to the extent the
735 proceedings under which the bonds authorized to be issued under the
736 provisions of said chapters and sections so provide, the authority may
737 agree to cooperate with the lessee of a project in connection with any
738 administrative or judicial proceedings for determining the validity or
739 amount of such payments and may agree to appoint or designate and
740 reserve the right in and for such lessee to take all action which the
741 authority may lawfully take in respect of such payments and all
742 matters relating thereto, provided such lessee shall bear and pay all
743 costs and expenses of the authority thereby incurred at the request of
744 such lessee or by reason of any such action taken by such lessee in
745 behalf of the authority. Any lessee of a project which has paid the
746 amounts in lieu of taxes required by this section to be paid shall not be
747 required to pay any such taxes in which a payment in lieu thereof has
748 been made to the state or to any such municipality or other political
749 subdivision or special district having taxing powers, any other statute
750 to the contrary notwithstanding. Any industrial pollution control
751 facility financed under said chapters and sections shall be subject to
752 such approvals, as may be required by law, of any agency of the state
753 and any agency of the United States having jurisdiction in the matter
754 and, in the discretion of the authority, may be acquired, constructed or
755 improved as part of or jointly with a pollution control facility
756 undertaken by a municipality or political subdivision or special district
757 having taxing powers in the state and the authority is authorized to
758 cooperate and execute contracts with such a municipality or political
759 subdivision or special district.

760 Sec. 15. Section 32-23i of the general statutes is repealed and the
761 following is substituted in lieu thereof:

762 Bonds issued by the authority under the provisions of [this chapter,
763 chapter 578 and subsection (a) of section 10-320b] the authority
764 legislation, as defined in subsection (hh) of section 32-23d, as amended
765 by this act, are hereby made securities in which all public officers and
766 public bodies of the state and its political subdivisions, all insurance
767 companies, credit unions, building and loan associations, investment
768 companies, savings banks, banking associations, trust companies,
769 executors, administrators, trustees and other fiduciaries and pension,
770 profit-sharing and retirement funds may properly and legally invest
771 funds, including capital in their control or belonging to them. Such
772 bonds are hereby made securities which may properly and legally be
773 deposited with and received by any state or municipal officer or any
774 agency or municipality of the state for any purpose for which the
775 deposit of bonds or obligations of the state is now or may hereafter be
776 authorized by law.

777 Sec. 16. Subsection (a) of section 32-23j of the general statutes is
778 repealed and the following is substituted in lieu thereof:

779 (a) Bonds or notes of the authority issued under the provisions of
780 [this chapter, chapter 578 and subsection (a) of section 10-320b] the
781 authority legislation, as defined in subsection (hh) of section 32-23d, as
782 amended by this act, shall not be deemed to constitute a debt or
783 liability of the state or of any municipality thereof or a pledge of the
784 faith and credit of the state or of any such municipality and shall not
785 constitute bonds or notes issued or guaranteed by the state within the
786 meaning of section 3-21, but shall be payable solely from the revenues
787 and funds herein provided therefor. All such bonds or notes shall
788 contain on the face thereof a statement to the effect that neither the
789 state of Connecticut nor any municipality thereof other than the
790 authority shall be obligated to pay the same or the interest thereon and
791 that neither the faith and credit nor the taxing power of the state of
792 Connecticut or of any municipality is pledged to the payment of the
793 principal of or the interest on such bonds or notes.

794 Sec. 17. Section 32-23k of the general statutes is repealed and the

795 following is substituted in lieu thereof:

796 The state of Connecticut does hereby pledge to and agree with the
797 holders of any bonds and notes issued [under this chapter] under the
798 provisions of the authority legislation, as defined in subsection (hh) of
799 section 32-23d, as amended by this act, and with those parties who
800 may enter into contracts with the Connecticut Development Authority
801 or its successor agency pursuant to the provisions of [this chapter,
802 chapter 578 and subsection (a) of section 10-320b] such authority
803 legislation, that the state will not limit or alter the rights hereby vested
804 in the authority until such obligations, together with the interest
805 thereon, are fully met and discharged and such contracts are fully
806 performed on the part of the authority, provided nothing contained
807 herein shall preclude such limitation or alteration if and when
808 adequate provision shall be made by law for the protection of the
809 holders of such bonds and notes of the authority or those entering into
810 such contracts with the authority. The authority is authorized to
811 include this pledge and undertaking for the state in such bonds and
812 notes or contracts.

813 Sec. 18. Subsection (a) of section 32-227 of the general statutes is
814 repealed and the following is substituted in lieu thereof:

815 (a) For the purpose of carrying out or administering a municipal or
816 business development project, (1) a municipality, acting by and
817 through its implementing agency, may, subject to the limitations and
818 procedures set forth in this section, issue from time to time bonds of
819 the municipality, and (2) the Connecticut Development Authority may,
820 upon a resolution adopted of the legislative body of the municipality,
821 issue from time to time bonds which, in either case, are payable solely
822 or in part from and secured by: (A) A pledge of and lien upon any or
823 all of the income, proceeds, revenues and property of development
824 projects, including the proceeds of grants, loans, advances or
825 contributions from the federal government, the state or other source,
826 including financial assistance furnished by the municipality or any
827 other public body pursuant to sections 32-220 to 32-234, inclusive; (B)

828 taxes or payments in lieu of taxes, or both, in whole or in part,
829 allocated to and paid into a special fund of the municipality or the
830 Connecticut Development Authority pursuant to the provisions of
831 subsection (c) of this section; or (C) any combination of the methods in
832 subparagraphs (A) and (B) of this section. Any bonds payable and
833 secured as provided in this subsection shall be authorized and the
834 appropriation of the proceeds thereof approved by and subject to a
835 resolution adopted by the legislative body of the municipality,
836 notwithstanding the provisions of any other statute, local law or
837 charter governing the authorization and issuance of bonds and the
838 appropriation of the proceeds thereof generally by the municipality.
839 No such resolution shall be adopted until after a public hearing has
840 been held upon such authorization. Notice of such hearing shall be
841 published not less than five days prior to such hearing in a newspaper
842 having a general circulation in the municipality. Any such bonds of a
843 municipality or the Connecticut Development Authority shall be
844 issued and sold in such manner; bear interest at such rate or rates,
845 including variable rates; provide for the payment of interest on such
846 dates, whether before or at maturity; be issued at, above or below par;
847 mature at such time or times not exceeding thirty years from their
848 date; have such rank or priority; be payable in such medium of
849 payment; be issued in such form, including, without limitation,
850 registered or book-entry form; carry such registration and transfer
851 privileges and be made subject to purchase or redemption before
852 maturity at such price or prices and under such terms and conditions,
853 including the condition that such bonds be subject to purchase or
854 redemption on the demand of the owner thereof; and contain such
855 other terms and particulars as the legislative body of the municipality
856 or the officers delegated such authority by the legislative body of the
857 municipality shall determine. Any such bonds of the Connecticut
858 Development Authority shall be issued and sold in the manner and
859 subject to the general terms and provisions of law applicable to
860 issuance of bonds by the Connecticut Development Authority, except
861 that the provisions of subsection (b) of section 32-23j shall not apply.
862 The proceedings under which bonds are authorized to be issued may,

863 subject to the provisions of indenture or to any other depository
864 agreement, provide for the method of disbursement thereof, with such
865 safeguards and restrictions as it may determine. Any pledge made by
866 the municipality or the Connecticut Development Authority for bonds
867 issued as provided in this subsection shall be valid and binding from
868 the time when the pledge is made, and any revenues or other receipts,
869 funds or moneys so pledged and thereafter received by the
870 municipality or the Connecticut Development authority shall be
871 subject to the lien of such pledge without any physical delivery thereof
872 or further act. The lien of any such pledge shall be valid and binding as
873 against all parties having claims of any kind in tort, contract or
874 otherwise against the municipality or Connecticut Development
875 Authority, irrespective of whether such parties have notice of such
876 lien. Neither the resolution nor any other instrument by which a
877 pledge is created need be recorded. All expenses incurred in carrying
878 out such financing may be treated as project costs. Such bonds shall
879 not be included in computing the aggregate indebtedness of the
880 municipality, provided, if such bonds are made payable, in whole or in
881 part, from funds contracted to be advanced by the municipality, the
882 aggregate amount of such funds not yet appropriated to such purpose
883 shall be included in computing the aggregate indebtedness of the
884 municipality. As used in this section, "bonds" means any bonds,
885 including refunding bonds, notes, temporary notes, interim
886 certificates, debentures or other obligations. Temporary notes issued in
887 accordance with this subsection in anticipation of the receipt of the
888 proceeds of bond issues may be issued for a period of not more than
889 five years, and notes issued for a shorter period of time may be
890 renewed by the issue of other notes, provided the period from the date
891 of the original notes to the maturity of the last notes issued in renewal
892 thereof shall not exceed five years. For purposes of this section,
893 references to the Connecticut Development Authority shall include
894 any subsidiary of the Connecticut Development Authority established
895 pursuant to subsection (l) of section 32-11a, as amended by this act."